



Fitch, Even, Tabin & Flannery

Intellectual Property Law

RECEIVED
CENTRAL FAX CENTER
JAN 28 2005

F A C S I M I L E

Name: U.S. Patent & Trademark Office

FAX: (703) 872-9306

Application No.: 10/805,170
Filing Date: March 19, 2004
Inventor: ABRAHAMS et al.
Art Unit: 2131

From: 
Martin R. Bader, Reg. No. 54.736

Today's Date: January 28, 2005
Attorney Docket No.: 81101/7114
Pages: 7 pages (including this 1-page coversheet)
Dispatched by: Susan R. Telford

Transmitted herewith for filing via facsimile:

Transmittal Form (1 pg.); Request for Reconsideration of Petition (2 pgs.);
Oath or Declaration 37 CFR 1.63 (3 pgs.); Fax coversheet (1 pg.)

The documents accompanying this facsimile transmittal cover sheet contain information from the law firm of Fitch, Even, Tabin & Flannery which may be confidential and/or legally privileged. The documents are intended only for the personal and confidential use of the addressee identified above. If you are not the intended recipient or an agent responsible for delivering these documents to the intended recipient, you are hereby notified that any review, disclosure, copying, distribution or the taking of any action in reliance on the contents of this transmitted information is strictly prohibited. If you have received this facsimile in error, please immediately notify the Firm so that we can arrange for the return of the original documents to us. Thank you.

9276 Scranton Road, Suite 250
San Diego, California 92121-7701
Telephone 858-552-1311
Fax 858-552-0095
405814v1

PTO/SB/21 (09-04)

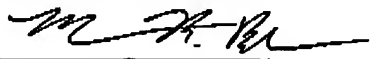
Approved for use through 07/31/2006. OMB 0651-0031


U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

Transmittal Form <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/805,170
	Filing Date	March 19, 2004
	First Named Inventor	ABRAHAMS et al.
	Art Unit	2131
	Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission		7
		Attorney Docket Number
		81101/7114

ENCLOSURES (CHECK ALL THAT APPLY)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts Under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition (2 pgs.) <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeals Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Oath or Declaration 37 CFR 1.63 unsigned (3 pg.) Fax coversheet (1 pg.)
Remarks:		
Customer Number: 37123		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm name	Fitch, Even, Tabin & Flannery		
Signature			
Printed Name	Martin R. Bader		
Date	January 28, 2005	Reg No.	54,736

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Martin R. Bader		
Signature		Date	January 28, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450 Alexandria, VA 22313-1450. DON NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

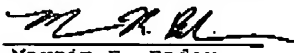
405815v1

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

JAN 28 2005

Attorney Docket No. 81101/7114

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): ABRAHAMS et al.	<u>CERTIFICATE OF FACSIMILE TRANSMISSION</u>
Serial No.: 10/805,170	I hereby certify that this paper is being facsimile transmitted to the USPTO or mailed to the United States Patent and Trademark Office via United States Postal Service First Class Mail, addressed to Commissioner for Patents, P.O. Box Alexandria, VA 22313-1450 on this date:
Filed: March 19, 2004	01/28/2005 
For: SYSTEM FOR UBIQUITOUS NETWORK PRESENCE AND ACCESS WITHOUT COOKIES	Date Martin R. Bader Reg. No. 54,736 Attorney for Applicants
Group Art Unit: 2131	
Customer No.: 37123	
Conf. No.: 7393	

REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR 1.47(b)

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Responsive to the Decision Refusing Status Under 37 CFR 1.47(b) mailed December 3, 2004, Applicants provide the following:

App. No. 10/805,170
Request for Reconsideration
Page 2

An Oath or Declaration in compliance with 37 CFR 1.63 is submitted herewith. The Oath or Declaration has not been signed by the inventors Mr. Marc D. Abrahams and Mr. Seda Gragossian. The Oath or Declaration has been signed on their behalf by Martin R. Bader.

Should there remain any outstanding issues, it is respectfully requested that the Examiner telephone Martin R. Bader at (858) 587-7653 such that they can be quickly resolved.

Respectfully submitted,



Martin R. Bader
Reg. No. 54,736

Dated: January 28, 2005

Address all correspondence to:

FITCH, EVEN, TABIN & FLANNERY
120 South LaSalle Street, Ste. 1600
Chicago, IL 60603
(858) 552-1311

ATTORNEY DOCKET NO. 81101/7114

DECLARATION AND POWER OF ATTORNEY FOR NEW PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name. I believe that I am the original, first and sole inventor (if only one name is listed below) or an original first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**A SYSTEM FOR UBIQUITOUS NETWORK PRESENCE AND
ACCESS WITHOUT COOKIES**

the specification of which:

☐ is attached hereto.

☒ was filed on 3/19/2004 as serial no. 10/805,170
and was amended on _____.

I hereby state that I have reviewed and understand the contents of the above identified specification including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a Filing date before that the application on which priority is claimed.

Foreign Application(s), if any, for Patent or Inventor's Certificate Filed Within 12 Months Prior to the Filing Date of This Application:

<u>Country</u>	<u>Application No.</u>	<u>Date of Filing (day, month, year)</u>	<u>Priority Claimed Under 35 U.S.C. §119</u>
			<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

All Foreign Applications, if any, for Patent or Inventor's Certificate Filed More Than 12 Months Prior to the Filing Date of This Application:

Page 1 of 3

Country Application No. Date of Filing
N/A

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

<u>Number</u>	<u>Country</u>	<u>Day/Month/Year Filed</u>	<u>Priority Claimed</u>
			<u>Yes</u> <u>X</u> <u>No</u>

I hereby claim the benefit under Title 35, United States Code, §119 of any United States provisional application(s) listed below.

<u>U.S. Provisional Application Number</u>	<u>Filing Date</u>
N/A	

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the Filing date of the prior application and the national or PCT international Filing date of this application.

<u>Application</u>	<u>Date of Filing</u>	<u>Status</u>
<u>Serial No.</u>		<u>patented, pending abandoned</u>
N/A		

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Practitioners Associated With Customer Number 37123

Send Correspondence and direct telephone calls to:

Customer Number 37123

Page 2 of 3

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the U. S. Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's signature

Marc David Abrahams

Date

Name of sole or first inventor

17388 Garndee Place

Residence (City, State)

San Diego, CA 92128

Mailing Address

US

Citizenship

Inventor's signature

Seda Gragossian

Date

Name of sole or first inventor

829 Val Sereno Drive

Residence (City, State)

Encinitas, CA 92024

Mailing Address

US

Citizenship

I Martin R. Bader, Attorney for Sony Electronics Inc., declare that I am authorized to sign this declaration in place of the inventors on behalf of Sony Electronics Inc.

Signature

Date

Martin R. Bader, Reg. No. 54,736

Printed Name